

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 260 of 2007(E)

PETITIONER:

O.BHASKARAN, S/O.VELAYUDHAN,
ODENGALATH HOUSE, P.O. MUTTANNOOR, TIRUR,
MALAPPURAM.

BY ADV. SRI.P.V.JAYACHANDRAN

RESPONDENTS:

1. THE SUB INSPECTOR OF POLICE,
POLICE STATION, TIRUR, MALAPPURAM.
2. BALAN, S/O.ARUMUGHAN,
KALATHILPARAMBIL, P.O. VETTOM, MALAPPURAM.

R1 BY G.P.SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.Balakrishnan Nair &
K.P.Balachandran, JJ.

W.P. (Crl.) (Habeas Corpus) No.260 of 2007

JUDGMENT

Balakrishnan Nair, J.

The petitioner is the mother of Miss. Johncy. According to her, her daughter is illegally detained by respondents 1 and 2 in their house. The first respondent is stated to be in love with her. The second respondent is his father. When the petitioner and her relatives approached respondents 1 and 2, on coming to know that her daughter is with them, they abused and threatened them. The petitioner apprehends that the detenu is detained against her will. Therefore, this writ petition is filed seeking for a writ in the nature of habeas corpus, for the production of her before this Court and also for her release.

2. Pursuant to the order issued by this Court respondents 1 and 2 along with the alleged detainee are present, apart from the petitioner. The third respondent also is present in court. It was he, who produced the detainee.

3. We heard the learned counsel on both sides and also talked to the petitioner and her daughter. Miss.Johnncy, the daughter of the petitioner, submitted that she has gone to the house of respondents 1 and 2 on her own volition. She is not detained by anybody. The allegation that she is being detained against her wish is denied by her. She has also stated that she is married to the first respondent.

4. But, it is common case that the first respondent has not attained the age of 21. Therefore, he cannot get married to Miss.Johnncy under the provisions of the Special Marriage Act.

5. Having regard to the facts of the case, though Miss.Johnncy is a major, we think it is not

proper for us to send her along with the first respondent, who has not reached the marriageable age. So, in the interest of all concerned, we order that Miss.Johnncy may go along with her mother. The petitioner, the mother of the alleged detainee, has given an undertaking before this Court that she will not give her daughter in marriage against her wishes. If, on attaining the marriageable age, the first respondent and Miss.Johnncy wants to get married, they can do so.

The writ petition is closed with the above directions.

(K.Balakrishnan Nair, Judge)

12th November, 2007

(K.P.Balachandran, Judge)

tkv